

Commonwealth of Massachusetts

BERKSHIRE, ss.

SUPERIOR COURT

CIVIL ACTION

No. 2004-052

CYNTHIA PALMA, Pro Se, Plaintiff(s)

General Electric Company aka GE Plastics, Defendant(s)

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon CYNTHIA PALMA, PO BOX 8, PITTSFIELD, MA, 01202, plaintiff's attorney, whose address is (413) 499-7770 or 446-9981

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Pittsfield either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire at Pittsfield, the Tenth day of MAY, in the year of our Lord two thousand four

Jeharal S Caplan
CLERK.

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) - TORT - (2) MOTOR VEHICLE TORT - (3) CONTRACT - (4) - EQUITABLE RELIEF - (5) - OTHER

NOTICE TO DEFENDANT-You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

FILED COPY ATTEST:
RONALD J. MARCELLA, Deputy Sheriff
5/11/04

**Commonwealth of Massachusetts
County of Berkshire
The Superior Court**

CIVIL DOCKET# BECV2004-00052-A

RE: Palma v General Electric Company

**TO: Cynthia Palma
P O Box 8
Pittsfield, MA 01202**

TRACKING ORDER - F TRACK

You are hereby notified that this case is on the **fast (F) track** as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION

DEADLINE

Service of process made and return filed with the Court	05/09/2004
Response to the complaint filed (also see MRCP 12)	07/08/2004
All motions under MRCP 12, 19, and 20 filed	07/08/2004
All motions under MRCP 15 filed	07/08/2004
All discovery requests and depositions completed	12/05/2004
All motions under MRCP 56 served and heard	01/04/2005
Final pre-trial conference held and firm trial date set	02/03/2005
Case disposed	04/04/2005

The final pre-trial deadline is **not the scheduled date of the conference**. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to session A sitting in Superior Court-2nd Floor at Berkshire Superior Court.

Dated: 02/09/2004

**Deborah S. Capeless
Clerk of the Courts**

**BY: Deborah S. Capeless
Clerk**

**Location: Superior Court-2nd Floor
Telephone: (413) 499-7487**

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130

05/11/04 TUE 18:58 FAX 413 4487166

GEP LITIGATION

003

CIVIL ACTION COVER SHEET

Inferior Court of Massachusetts
 SUPERIOR COURT DEPARTMENT
 County: Berkshire

Docket Number

2004-052

PLAINTIFF(S) Cynthia Palma

DEFENDANT(S) General Electric Company

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE

PO Box 8,
 Pittsfield, MA 01202

Board of Bar Overseer's number: 413-499-7770-446-9081

ATTORNEY (if known)

PRO SE

Place an x in one box only:

- Origin code and track designation
- | | |
|---|---|
| <input checked="" type="checkbox"/> 1. F01 Original Complaint | <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) |
| <input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) | <input type="checkbox"/> 5. F05 Reactivated after rescript/relief from judgment/ Order (Mass.R.Civ.P. 60) (X) |
| <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X) | <input type="checkbox"/> 6. E10 Summary Process Appeal (X) |

CODE NO.

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)
 TYPE OF ACTION (specify) TRACK
 Personal Injury - Slip & Fall IS THIS A JURY CASE?

B20: B22

Employment Discrimination (F)

(X) Yes () No

The following is a full, itemized and detailed statement of the facts on which plaintiff claims money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

MAY 10 2004

A. Documented medical expenses to date:

- | | |
|---|---------------------------------------|
| 1. Total hospital expenses | BERKSHIRE DIVISION \$.....0 |
| 2. Total Doctor expenses | SUPERIOR COURT DEPARTMENT \$.....4330 |
| 3. Total chiropractic expenses | \$.....78 |
| 4. Total physical therapy expenses | \$.....4908 |
| 5. Total other expenses (describe) Two (2) MRIs, medications, assistive devices | \$.....3817 |

- | | |
|--|-------------------------------------|
| B. Documented lost wages and compensation to date | (Approximate) Subtotal \$.....13833 |
| C. Documented property damages to date | (Approximate) \$.....664500 |
| D. Reasonably anticipated future medical and hospital expenses | \$.....0 |
| E. Reasonably anticipated lost wages | \$.....5590 |
| F. Other documented items of damages (describe) | \$.....6600 |

G. Brief description of plaintiff's injury, including nature and extent of injury (describe) \$.....

The Plaintiff slipped and fell on wet, debris-filled stairs, sustaining multiple injuries including injuries to four vertebrae in her back, two in her neck, a fractured elbow, a sprained wrist & trauma resulting in TOTAL \$.....90523.
 Loss of function in one hand, fibromyalgia and emotional conditions, all for which she currently continues to be treated.

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$.....0

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

N/A

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

Plaintiff

Cynthia Palma

DATE: May 10, 2004

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
Civil Action No. 2004-052

CYNTHIA PALMA,
Plaintiff

v.

GENERAL ELECTRIC COMPANY,
Defendant

AMENDED COMPLAINT

RECEIVED
MAY 10 2004

BERKSHIRE DIVISION
SUPERIOR COURT DEPARTMENT

1. This amended complaint is submitted to be inclusive of all facts stated in this revision as well as in original complaint filed by Plaintiff in Berkshire Superior Court February 9, 2004.

2. Complaint is amended to include facts regarding additional medical assessments, services and treatments feasibly projected to be performed since date of original filing; i.e., MRI of February 13, 2004 of cervical spine revealing abnormalities (in addition to March 2003 MRI images of abnormalities to lumbar and sacral regions); recent diagnosis of fibromyalgia, and any further complications that may be present or may arise as result of trauma incurred by work accident sustained due to defendant's negligence at General Electric Plastics World Headquarters Building 51 on February 9, 2001.

3. Complaint tort claims are amended in revised Civil Action Cover Sheet to include above assessments and future treatments.

4. Complaint tort claims are amended to reflect tracking order of docket, as original tort was assembled to reflect additional damages and wages projected for three-month period from date of filing only. Revised Civil Action Cover Sheet now includes past, present and future feasible projections of period of two-years from original filing date but are to be modified as needed per future medical treatments and assessments and to reflect timeframe of stages of litigation.

5. As a result of the defendant's actions, Ms. Palma was wrongfully terminated from her position on March 9, 2001. Inflammatory remarks, discriminatory implications and subsequent actions of her GE Plastics supervisor led to premature termination of her employment contract, which was not due to expire until October 2001.

WHEREFORE, the plaintiff, Cynthia Palma, demands judgment against the defendant, General Electric Company, in an amount sufficient to compensate her for her damages together with interest and costs.

PLAINTIFF DEMANDS TRIAL BY JURY

Dated: May 10, 2004

Respectfully submitted,


Cynthia Palma

05/12/04 WED 11:08 FAX 413 4487186

GEP LITIGATION

0004

CIVIL ACTION COVER SHEET		DOCKET NO. (S) 2004-052		Trial Court of Massachusetts Superior Court Department County: <u>Berkshire</u>	
PLAINTIFF(S) Cynthia Palma		DEFENDANT(S) General Electric Company Global Headquarters/Plastics			
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE PO Box 8 Pittsfield, MA 01202 Board of Bar Overseers number:		ATTORNEY (if known) to be determined by Plaintiff			
Place an x in one box only: <input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231, s.104 (Before trial) (F) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231, s.102C (X)		Origin code and track designation <input type="checkbox"/> 4. F04 District Court Appeal c.231, s.97&104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P.60) (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X)			
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)					
CODE NO. <u>B209 B22</u>	TYPE OF ACTION (specify) Personal Injury - <u>Slip and Fall; Employment Discrimination</u>	TRACK (F)	IS THIS A JURY CASE? (X) Yes () No		
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.					
TORT CLAIMS (Attach additional sheets as necessary)					
A. Documented medical expenses to date: 1. Total hospital expenses 2. Total doctor expenses 3. Total chiropractic expenses 4. Total physical therapy expenses 5. Total other expenses (describe) <u>(Two 20 mg. prescription medications, OTC medications & supplements; assistive devices)</u>		Approx. Actual Subtotal approx. \$ 0- \$ 4,330.00 \$ 78.00 \$ 4,908.20 \$ 3,817.10 \$ 1,323.50 \$ 4,450.00		B. Documented lost wages and compensation to date C. Documented property damages to date D. Reasonably anticipated future medical and hospital expenses E. Reasonably anticipated lost wages F. Other documented items of damages (describe) G. Brief description of plaintiff's injury, including nature and extent of injury (describe)	
The Plaintiff, Cynthia Palma, slipped and fell down a set of wet, debris-filled stairs, hitting her head, sustaining injuries to four vertebrae in her back, (possibly her neck), contusions to both shins, fracture to her elbow; spraining her wrist and other trauma further resulting in subsequent <u>compounding physical and emotional conditions for which she currently continues to be treated.</u>		TOTAL \$ 1,02,857.00		TOTAL \$ 1,02,857.00	
CONTRACT CLAIMS (Attach additional sheets as necessary)					
Provide a detailed description of claim(s):		THE COMMONWEALTH OF MASSACHUSETTS SUPERIOR COURT FILED FEB 9 2004 FILE			
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT <u>General Stipulations</u>		TOTAL \$			
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages of the various methods."					
Signature of Attorney of Record <u>N/A</u>				DATE: <u>02-09-04</u>	

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, ss.

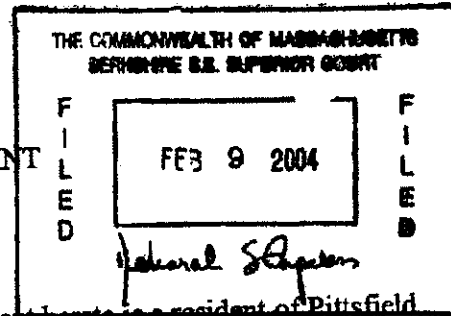
SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
Civil Action No. 2004-052

CYNTHIA PALMA,
Plaintiff

v.

GENERAL ELECTRIC COMPANY,
Defendant

COMPLAINT



1. The plaintiff, Cynthia Palma, at all times relevant hereto is a resident of Pittsfield, Massachusetts.

2. The defendant, General Electric Company, at all times relevant hereto is a corporation with a principal place of business in Pittsfield, Massachusetts.

3. The defendant is the owner or otherwise in control of the premises located at Building 51, One Plastics Avenue, Pittsfield, Massachusetts.

4. On or about February 9, 2001, the defendant, General Electric Company, its agents, servants or employees negligently allowed an accumulation of water ^{and} other foreign substance to accumulate on the said premises.

5. On or about February 9, 2001, the plaintiff, Cynthia Palma, while lawfully on said premises which is owned or otherwise under the control of the defendant, General Electric Company, was caused to fall as a result of said negligence by the defendant, General Electric Company, its agents, servants or employees.

6. As a result of the defendant, General Electric Company's negligence, the plaintiff, Cynthia Palma, sustained severe and painful bodily injuries, ^{continues to} suffer great pain of body and mind, was caused to incur and continues to incur medical expenses and lost wages.

7. As a result of the defendant's actions, Ms. Palma was wrongfully terminated shortly after her return to her position of modified duty after her medical leave of absence. Discriminatory implications and actions of her GE supervisor led to premature termination of her contract due to expire until October 2001.

05/12/04 WED 11:08 FAX 413 4487188

GEP LITIGATION

003

WHEREFORE, the plaintiff, Cynthia Palma, demands judgment against the defendant, General Electric Company, in an amount sufficient to compensate her for her damages together with interest and costs.

PLAINTIFF DEMANDS TRIAL BY JURY

Dated: February 9, 2004

Respectfully submitted,

Cynthia Palma
Cynthia Palma

MKM:jll

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, ss.

SUPERIOR COURT
DOCKET NO. 2004-052

CYNTHIA PALMA,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY a/k/a GE
PLASTICS,

Defendant.

ANSWER

Now comes the Defendant, General Electric Company ("GE") and answers the allegations in the Plaintiff's Amended Complaint. It appears that the Plaintiff intended the documents entitled "Complaint" and "Amended Complaint" to be read as one document. ecause the Amended Complaint does not, in itself, contain all the relevant allegations made by the plaintiff, GE responds to that allegations contained in the Complaint and the Amended Complaint as follows:

ALLEGATIONS IN THE COMPLAINT

1. GE is without knowledge or information sufficient to form a belief regarding the truth of the allegations in Paragraph 1 of the Complaint and therefore denies them.
2. GE denies the allegations made in Paragraph 2 of the Complaint.
3. GE admits the allegations made in Paragraph 3 of the Complaint.
4. GE denies the allegations made in Paragraph 4 of the Complaint.

5. GE denies the allegations made in Paragraph 5 of the Complaint.

6. GE denies the allegations made in Paragraph 6 of the Complaint.

7. GE denies the allegations made in Paragraph 7 of the Complaint and specifically denies that the Plaintiff is entitled to any of the relief that she requests.

ALLEGATIONS IN THE AMENDED COMPLAINT

1. GE restates its responses to the allegations made in Paragraphs 1 through 7 of the Complaint.

2. GE is without knowledge or information sufficient to form a belief regarding the truth of the allegations made in Paragraph 2 of the Amended Complaint concerning the Plaintiff's health and therefore denies them. GE specifically denies the allegations made in Paragraph 2 of the Amended Complaint that the Plaintiff suffered any injury as a result of GE's negligence.

3. Paragraph 3 of the Amended Complaint describes the Plaintiff's reasons for amending the complaint and thus no response is required. GE specifically denies the implication in Paragraph 3 of the Amended Complaint that the Plaintiff suffered any injury as a result of GE's negligence.

4. Paragraph 4 of the Amended Complaint describes the Plaintiff's reasons for amending the complaint and thus no response is required. GE specifically denies the implication in Paragraph 4 of the Amended Complaint that the Plaintiff suffered any injury as a result of GE's negligence.

5. GE denies that allegations made in Paragraph 5 of the Amended Complaint and specifically denies that the Plaintiff is entitled to any of the relief that she requests.

AFFIRMATIVE DEFENSES

First Affirmative Defense. The Plaintiff has failed to state a claim upon which relief can be granted.

Second Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, by her own negligence in causing the injuries of which she complains.

Third Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, by the intervening acts of one or more third parties.

Fourth Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitation.

Fifth Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, by the Plaintiff's failure to mitigate damages.

Sixth Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, by the Plaintiff's failure to timely file a complaint with the Massachusetts Commission Against Discrimination.

Seventh Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, because she has never been an employee of the Defendant and thus has no standing.

WHEREFORE, for the reasons above stated, Defendant General Electric Company respectfully requests:

(a) that all claims against it be dismissed with prejudice; and

(b) that it be awarded its costs and fees in defending this action, plus any other relief that the Court deems just and appropriate.


DEFENDANT REQUESTS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

June 1, 2004

RESPECTFULLY SUBMITTED,

GENERAL ELECTRIC COMPANY, Defendant


By


Diane M. DeGiacomo, Esq. (BBO# 555930)
Dennis M. LaRochelle, Esq. (BBO# 600924)
CAIN, HIBBARD, MYERS & COOK PC
66 West Street
Pittsfield, Massachusetts 01201
(413) 443-4771

CERTIFICATE OF SERVICE

I, Dennis M. LaRochelle, Esq., do hereby certify that a copy of the foregoing document has, on this First Day of June, 2004, been served on the plaintiff by forwarding via first-class mail, postage prepaid to:

Cynthia Palma
P.O. Box 8
Pittsfield, Massachusetts 01202


Dennis M. LaRochelle, Esq.